UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

UNITED STATES OF AMERICA,)
)
V.)
) Case No. 3:22-CR-00282
GLEN CASADA and) District Judge Eli J. Richardson
CADE COTHREN)
	,)
Defendants.)

DEFENDANT CADE COTHREN'S NOTICE REGARDING ALTERNATE JUROR INTERVIEW MOTION

COMES NOW Defendant Cade Cothren, by and through his counsel, and hereby gives notice that he still respectfully wishes for his counsel to interview the alternate juror about the information contained in her letter of support, specifically: her observations related to Mr. Cothren not appearing to be a danger to society, Mr. Cothren's potential to make future contributions to society, and her request for leniency.

Federal Rule of Criminal Procedure 32 "plainly seeks to maximize the amount of information available to district courts in exercising their sentencing discretion." *United States v. Hamad*, 495 F.3d 241, 248 (6th Cir. 2007). The Sixth Circuit "has consistently construed the requirements of Rule 32 in a strict manner, largely because the rule protects a defendant's right to due process." *Id.* at 249 (quoting *United States v. Vandeberg*, 201 F.3d 805, 814 (6th Cir. 2000)). Consistent with that aim, 18 U.S.C. Section 3661 provides that "[n]o limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence." 18 U.S.C. § 3661.

Although all of a defendant's due process rights at trial do not apply at sentencing, Mr. Cothren respectfully submits that the above authorities counsel against limiting the presentation of information

by a defendant at sentencing. Indeed, the lessened due process rights are designed to increase the amount of information available at sentencing—such as hearsay—not lessen it. *See Hamad*, 495 F.3d at 246. Mr. Cothren was unable to find an appellate decision from the Sixth Circuit that directly answers the Court's question and appreciates the Court's comments about the potentially cumulative nature of the information the alternate juror may have to offer, but he would nonetheless request the opportunity to interview this alternate juror about facts that may be specifically within her personal knowledge.

While the Court may well have already concluded that Mr. Cothren is not a danger to society, Juror #13 may mean something entirely different by that statement. Undersigned counsel seeks to interview this alternate to find out the meaning of her statement and the others listed above. That evidence would go to Mr. Cothren's character and conduct and, consistent with the above authority, Mr. Cothren should be allowed to present such evidence for the Court's consideration.

Mr. Cothren understands the Court may impose parameters for such an interview to ensure it does not interfere with the administration of justice, including that the interview take place under the Court's supervision, if the Motion (Dkt. No. 418) is granted.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing motion was electronically filed with the Clerk on September 11, 2025, and service was made upon the following via CM/ECF and/or by email.

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